

REMARKS

The aforementioned Office Action rejected claims 1-8 as unpatentable under 35 USC 102(e) over Danner et al., U.S. Patent Publication No. 2006/0202949. This rejection is traversed. More specifically, this rejection is traversed on the grounds that Danner is not available as a reference under 35 USC 102(e).

The present application was filed on September 3, 2003 and hence is entitled to at least this date for purposes of 35 USC 102(e). Danner was filed as Application Serial No. 11/308,326 on March 16, 2006. Hence, *prima facie*, Danner is only entitled to this March 16, 2006 date as its 35 USC 102(e) date; although Danner does claim benefit of earlier applications, the Office Action makes no attempt to show that it is entitled to any date earlier than its filing date for purposes of 35 USC 102(e). Hence, on the present record, the present application is entitled to an earlier date for purposes of 35 USC 102(e) than is Danner, and hence Danner is not available as a reference against the present application under 35 USC 102(e). It is believed to be self-evident that Danner is not available as a reference against the present application under any other section of 35 USC 102.

More specifically, the aforementioned Application Serial No. 11/308,326 filed March 16, 2006, which was published as Danner, is a continuation-in-part of Application Serial No. 10/298,468, filed November 18, 2002, which issued as U.S. Patent No. 7,038,655. It will readily be apparent from reading this U.S. patent that it does not contain any of the disclosure regarding gaseous suspension fluids to which the Office Action draws attention. Indeed, the undersigned attorney has today searched the HTML text of this patent available on the Office website and has determined that the words "gas" and "gaseous" do not appear in the text of this patent. Accordingly, in respect of the material relevant to the present claims, Danner is not entitled to the 35 USC 102(e) date of Application Serial No. 10/298,468, and hence cannot be entitled to any 35 USC 102(e) date earlier than March 16, 2006, and is not available as a 35 USC 102(e) reference against the present application.

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For the foregoing reasons, Danner is not available in support of a 35 USC 102(e) rejection of any of the claims of the present application, and the 35 USC 102(e) rejection of the present claims is unjustified.

Reconsideration and allowance of all claims remaining in this application is respectfully requested.

Respectfully submitted

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